

1 R. SCOTT ERLEWINE (State Bar No. 095106)
2 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
3 39 Mesa Street, Suite 201
The Presidio
3 San Francisco, CA 94129
4 Telephone: 415-398-0900
Fax: 415-398-0911
5 Email: rse@phillaw.com

6 Attorneys for Plaintiff
7 Westgate Petroleum Company, Inc.,
d/b/a Helms Petroleum

8 Robert W. Keaster (SBN 115847)
rkeaster@ckllplaw.com
9 **CHAMBERLIN & KEASTER LLP**
10 16000 Ventura Boulevard, Suite 700
Encino, California 91436-2758
Telephone: (818) 385-1256
11 Facsimile: (818) 385-1802

12 Attorneys for Defendant INTERNATIONAL INSURANCE
13 COMPANY OF HANNOVER, SE

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT CALIFORNIA

16
17 WESTGATE PETROLEUM COMPANY,
INC., d/b/a Helms Petroleum,

18 Plaintiff,

19 v.

20 INTERNATIONAL INSURANCE
21 COMPANY OF HANNOVER, SE, etc.,

22 Defendant.

23 Case No: 3:16-cv-00115-WHA

24
25 **STIPULATION GRANTING PLAINTIFF
LEAVE TO AMEND COMPLAINT AND
GRANTING LEAVE TO FILE CROSS-
CLAIM TO ADD ZURICH AMERICAN
INSURANCE COMPANY AS PARTY;
[PROPOSED] ORDER THEREON**

26 Pursuant to Local Rule 7-12, the parties hereto by and through their respective counsel of
record hereby stipulate and agree that Plaintiff WESTGATE PETROLEUM COMPANY, INC.,
d/b/a Helms Petroleum ("WESTGATE") shall be granted leave to file a First Amended
Complaint adding Zurich American Insurance Company ("ZURICH") as a defendant to its

1 Complaint and that Defendant INTERNATIONAL INSURANCE COMPANY OF
2 HANNOVER, SE ("INTERNATIONAL") shall be granted leave to file a Cross-Claim against
3 ZURICH seeking contribution, indemnity and subrogation for amounts it has or may be
4 obligated to pay to WESTGATE.

5 Good cause exist for this stipulation since counsel for the parties have just recently
6 learned through third party discovery that Zurich provided auto and commercial general liability
7 insurance to WESTGATE as an additional insured under a policy issued to the trucking
8 company which was unloading the gasoline at WESTGATE'S facility which caught fire and
9 which fire is the loss that is the subject this coverage action. On information and belief,
10 ZURICH is a New York corporation which maintains its principal place of business in
11 Schaumburg, Illinois, so its presence as a defendant will not destroy diversity jurisdiction.
12 Pursuant to the operative scheduling order in this case, the parties can seek leave to amend their
13 pleadings and add parties by July 29, 2016.

14 Dated: July 22, 2016

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

15 By /s/ R. Scott Erlewine
16 R. Scott Erlewine
17 Attorneys for Plaintiff

18 Dated: July 22, 2016

CHAMBERLIN & KEASTER

20 By /s/
21 Robert W. Keaster
22 Attorneys for Defendant

23 **ATTESTATION**

24 I, R. Scott Erlewine, am the ECF user whose identification and password is being used to
25 file the instant document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel
26 whose electronic signatures appear above provided their authority and concurrence to file this
27 document.

28 /s/ R. Scott Erlewine
R. Scott Erlewine

ORDER

Pursuant to the stipulation of the parties and good cause appearing therefor, IT IS HEREBY ORDERED that plaintiff may file an amended complaint adding Zurich American Insurance Company as a defendant in this action and that defendant may file a cross-claim adding Zurich American Insurance Company as a cross-defendant to this action.

DATED: July 25, 2016.

Hon. William H. Alsup
United States District Judge

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